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SUBJECT: PANAMA HEARING IN ALEMAN CASE POSTPONED AS DEFENSE LAWYERS CALL IN SICK

REF: PANAMA 2020

1. (SBU) Summary: Panama,s November 23 hearing in the money laundering case against former Nicaraguan President Arnoldo Aleman and cronies was postponed until March 30 after defense attorneys failed to appear due to alleged health problems. The next step in Panama will be for prosecutors to request arrest warrants against the accused to compel their attendance at the next hearing. Panama's Public Ministry remains committed to seeing justice done in this case. End Summary.

Aleman Attorney Calls in Sick

2. (SBU) Panamanian judge Giniva Ladron de Guevara postponed the scheduled November 23 hearing in the case against former Nicaraguan President Arnoldo Aleman and cronies after defense attorneys informed her that they were unable to appear for health reasons. This comes after Aleman co-accused Flores Lovo unexpectedly changed lawyers on the eve of the hearing. The hearing has been rescheduled until March 30 in order to give court appointed public defenders time to prepare for the case, in the event that the defense attorneys again fail to appear. In moving to appoint public defenders the judge is signaling that the defense cannot adopt the same stalling tactics in March.

3. (SBU) A DHS/ICE S/A who attended the hearing reported that Panama,s anti-corruption prosecutor Mercedes de Leon, who had been working diligently with U.S. assistance to prepare the case, was noticeably disappointed with the postponement. De Leon later told us that she had spoken with the judge, who has also lost patience with defense maneuvers. In the days leading up to the hearing, De Leon had been vocal in countering efforts by the defense to argue their case in the media. Nicaraguan Attorney General Novoa and Prosecutor Lara, in Panama for the hearing, had nothing but praise for their Panamanian counterparts. The case has attracted widespread media coverage in Panama.

Next Steps: Prosecutors May Seek Arrest Warrants

4. (SBU) Aleman and his cronies may have unwittingly strengthened the ability of prosecutors to successfully argue for the issuance of arrest warrants in the case. Aleman and his cronies have exhausted their legal appeals in Panama to avoid the hearing, and the stunt that they pulled in postponing today,s hearing can only be used once. The Public Ministry appears inclined to seek arrest warrants, and we will follow up with the anti-corruption prosecutor's office (Note: It is not clear whether Mercedes de Leon will continue to manage the case or whether it will revert to Prosecutor Cecilia Lopez when she returns from vacation November 30.)

5. (SBU) In recent days, the judge had indicated publicly and privately that she sees merit in the case going forward. During a November 16 roundtable on financial crimes sponsored by DHS/ICE and NAS Panama, the judge stated her view that the existence of a crime according to Panamanian law negated the need to show that the predicate offense had taken place elsewhere. For her part, AG Gomez has consistently stated her view that it is important for countries in the region to demonstrate that political figures are not immune from facing justice.

Panamanians Ask About U.S. Prosecution

6. (SBU) While making it clear that they will continue to pursue their case against Aleman, Panamanian officials regularly ask about the status of U.S. efforts to bring the former Nicaraguan President to task for crimes committed in the United States. Embassy Panama City DHS/ICE S/A will travel to Managua the week of November 28 to debrief potential witnesses and develop information that could be used in a future U.S. prosecution of Aleman.

COMMENT

17. (SBU) From the Attorney General down to the prosecutors and investigators, everyone in Panama's Public Ministry involved in this case is committed to seeing Aleman face justice. While this latest postponement is a disappointment, we do not anticipate that there will be any lessening of Panamanian resolve. Panama also remains willing to cooperate with USG officials in the event of a decision to prosecute the Aleman case in the U.S.
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